

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS**

MARIA ALEJANDRA CELIMEN SAVINO,
JULIO CESAR MEDEIROS NEVES, and all
those similarly situated,

Petitioners-Plaintiffs,

v.

STEVEN J. SOUZA,

Respondent-Defendant.

Case No. 1:20-cv-10617 WGY

PLAINTIFFS' OPPOSITION TO DEFENDANT'S MOTION TO FILE REPLY BRIEF

Plaintiffs oppose Defendant's Motion to File a Reply Brief. Any argument or evidence that Defendant believes supports bail revocation should have been submitted with their original moving papers. This is particularly so given that issues related to bail revocation had already been briefed in the course of Defendant's Motion to Reconsider – prior to Defendant filing their Motion to Revoke Bail. To the extent that Defendant now has legal argument that they wish to make, that can be raised at oral argument; to the extent that Defendant wants to introduce new evidence, that would be unfair and prejudicial to Plaintiffs and should not be allowed.

Defendant filed a Motion to Reconsider the Preliminary Injunction on May 22, 2020. ECF 185. As part of that Motion, Defendant alleged that the individuals whose bail revocation is now at issue had violated their conditions of bail. *See id.* at 36-38. In opposing Defendant's Motion to Reconsider, Plaintiffs explained at length key points of their argument now: namely, that to the extent there had been any past non-compliance with release conditions, that non-

compliance does not indicate an unwillingness to comply with release conditions but rather was made in reliance on inaccurate and contradictory oral and written communications provided to releasees by ICE and its compliance contractor ISAP. ECF 196 at 17-21.

Defendant subsequently filed a Motion to Revoke Bail. ECF 199. In that Motion, Defendant did not address any of the points that Plaintiffs had made about bail revocation in the course of the prior Motion to Reconsider briefing, nor did Defendant submit any evidence of ICE or ISAP communications with class members. Rather, Defendant relied solely on a declaration and spreadsheet purporting to show instances of non-compliance. *See id.*

Allowing Defendant to introduce new argument or evidence now via a Reply Brief would be unnecessary, unfair, and prejudicial. Accordingly, Defendant's motion should be denied.

CONCLUSION

For the foregoing reasons, Defendant's Motion should be denied.

June 8, 2020

Respectfully Submitted,

/s/ Oren Sellstrom

Oren Nimni (BBO #691821)
Oren Sellstrom (BBO #569045)
Lauren Sampson (BBO #704319)
Ivan Espinoza-Madrigal[†]

Lawyers for Civil Rights
61 Batterymarch Street, 5th Floor
Boston, MA 02110
(617) 988-0606
onimni@lawyersforcivilrights.org

Grace Choi, Law Student Intern*
Kayla Crowell, Law Student Intern*
Aseem Mehta, Law Graduate*
Alden Pinkham, Law Graduate*
Daniel Phillips, Law Graduate*

Fernando Quiroz, Law Student Intern*
Bianca Rey, Law Student Intern*
Megan Yan, Law Graduate*
Reena Parikh[†]
Muneer Ahmad[†]
Michael Wishnie (BBO# 568654)

Jerome N. Frank Legal Svcs. Org.
P.O. Box 209090
New Haven, CT 06520
Phone: (203) 432-4800
michael.wishnie@ylsclinics.org

Lisa Pirozzolo
John Butts
Vinita Ferrera

[†] Admitted *pro hac vice*.

* Motion for law student appearances pending.

Felicia Ellsworth
Nicole M.F. Dooley
Annaleigh Curtis
Michael Brown
Rama Attreya
Gary Howell-Walton

Wilmer Cutler Pickering Hale and Dorr LLP
60 State Street
Boston, MA 021009
Lisa.Pirozzolo@wilmerhale.com

CERTIFICATE OF SERVICE

I hereby certify that, on June 8, 2020 a copy of the foregoing document was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by email to all parties by operation of this court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's CM/ECF system.

Date: June 8, 2020

/s/ Oren Sellstrom
Oren Sellstrom (BBO #569045)